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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,495	06/28/2001	Denison W. Bollay	418268734US1	8143
25096 7590 08/25/2009 PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247				
EXAMINER BOVEJA, NAMRATA				
ART UNIT 3622		PAPER NUMBER		
MAIL DATE 08/25/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/895,495

**Applicant(s)**

BOLLAY, DENISON W.

**Examiner**

NAMRATA BOVEJA

**Art Unit**

3622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2008 and 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1, 7, 9 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 10, 11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2001 and 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is responsive to the communication filed on 05/27/2008 and 02/27/2009 where the Applicant indicated in response to the notice of non-compliant amendment that the Applicant requests the Office to consider the Applicant's response filed on 05/27/2008 and to ignore the response filed on 05/15/2008.
2. Claims 1, 7, 9, and 12 have been cancelled. Claims 2-6, 8, 10, 11, and 13-20 are presented for examination.
3. Amendments to claims 2, 8, 13, and 16, have been entered and considered.

#### **Claim Rejections - 35 USC § 112**

4. *The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:*

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.*

*There are two separate requirements set forth in this paragraph:*

- (A) *the claims must set forth the subject matter that applicants regard as their invention; and*
- (B) *the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.*

*Claim 10 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

*Claim 10 is rejected under 35 U.S.C. 112, second paragraph, since the claim recites "the method of claim 9," and there is insufficient antecedent basis for this limitation in the claim, since claim 9 has been cancelled. It is interpreted to mean that*

*claim 10 depends on independent claim 8. Clarification is required.*

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd Patent Number 6,112,238 (hereinafter Boyd) in view of the Article titled "Computers Maps at Your Fingertips," by Lou Dolinar, published in Newsday on August 21, 1990 (hereinafter Dolinar), further in view of Blake et al Patent Number 5,752,264 (hereinafter Blake), further in view of Streit et al. Patent Number 5,774,824 (hereinafter Streit), *and further in view of Preston et al. Patent Number 6,236,652 (hereinafter Preston).*

In reference to claim 2, Boyd teaches for use with the Internet, a system comprising: a communication network connected to the Internet; an ad server; an information provider; and, an advertising display server; said ad server, information provider and advertising display server being connected to said communication network (abstract, col. 2 lines 32-38, col. 3 lines 33-41 and lines 62-66, col. 4 lines 34-67, and Figure 1); said ad server having stored therein a visitor's IP address (col. 6 lines 35-36), and other visitor-related information (col. 4 lines 49-col. 5 lines 17 and Figures 3A and 4), said information provider having stored therein a visitor's geographical location (i.e. city and state information) (col. 5 lines 11-17, col. 6 lines 47-62, col. 7 lines 9-28, and

Figures 3A and 4). Boyd also teaches the system wherein said advertising display server has stored therein a site-viewpoint program and an advertiser-viewpoint program, said advertiser-viewpoint program and said site-viewpoint program processing a respective data subset to display on a private web page as graphs (i.e. comprising of data) according to geographical locations of Internet visitors (col. 5 lines 11-25 and Figures 4 and 5). Note that the limitation of processing a respective data subset to display can be read is simply being an intended use of the processed data, and no patentable weight needs to be given to the remainder of the limitation after the word subset. However, the Examiner has still proceeded to reject this limitation as well.

Boyd does not teach the information provider storing the latitude and longitude coordinates *corresponding to the visitor's IP address*. Preston teaches *converting latitude and longitude coordinates to form a geoIP address and storing this information (col. 8 lines 54-59 and col. 9 lines 34 to col. 12 lines 57)*. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include storing the latitude and longitude coordinates *corresponding to the visitor's IP address* to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities.

Boyd also does not teach said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset. Blake teaches storing data in two caches to save time by reducing the access required to the

memory bus and to increase storage capacity by reducing redundancy (abstract and col. 3 lines 1-67). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of two caches for storing per-advertiser and per-site data subsets to enable the quick retrieval of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the users, and if that information is stored in two caches can be accessed quickly and can help reduce redundancy.

While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5), Boyd does not specifically teach displaying this data and indicia on a map. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web to enable the advertisers to

determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd teaches feeding data subsets for display in response to a request from an advertiser administrator (col. 5 lines 11-25). Boyd does not teach selectively feeding data subsets from two different caches to the respective viewpoint programs. Blake teaches storing data in two caches to save time by reducing the access required to the memory bus and to increase storage capacity by reducing redundancy (abstract and col. 3 lines 1-67). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of two caches for storing per-advertiser and per-site data subsets to enable the quick retrieval of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may

want to gain access to some different and some overlapping information about the users, and if that information is stored in two caches can be accessed quickly and can help reduce redundancy.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

6. In reference to claim 3, Boyd teaches feeding data subsets for display (col. 5 lines 11-25). Boyd does not teach selectively feeding data subsets from two different caches. Blake teaches storing data in two caches to save time by reducing the access required to the memory bus and to increase storage capacity by reducing redundancy (abstract and col. 3 lines 1-67). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the use of two caches for storing per-advertiser and per-site data subsets to enable the quick retrieval of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. For example, a website administrator for



GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the users, and if that information is stored in two caches can be accessed quickly and can help reduce redundancy.

7. In reference to claim 4, Boyd teaches feeding data for the purpose of graphing the data (col. 5 lines 11-25). Boyd does not specifically teach including a mapping component in the fed data that displays each visitor's location on a map by plotting indicia at latitude/longitude coordinates on the map. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will

give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

8. In reference to claim 5, Boyd does not teach the system wherein a visual characteristic of an indicium is changed in proportion to the number of Internet visitors from the same geographical location. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It is inherent in Dolinar that a visual characteristic of an indicium (i.e. a dot on the map in this case) is changed in proportion to the number of Internet visitors, since an additional dot will be plotted for each additional visitor where the dots can overlap if the visitors are from the same geographical location. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a

map and to change characteristic of an indicium in proportion to the number of Internet visitors from the same geographical location to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels and these people may be indicated by overlapping dots on the map to show that they live very close to each other (i.e. in a 1 mile radius).

9. In reference to claim 6, Boyd does not teach the system wherein, said indicium is a spot on the map that varies in at least one of color, size and intensity. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29) and drawing a circle on the map (i.e. a spot on the map) to show a 1-mile radius (page 2 lines 30-33). It is inherent in Dolinar that a circle drawn to indicate a 1-mile radius would be smaller than a circle drawn to indicate a 2-mile radius. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to use an indicium of variable size to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living

within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels, and if you draw a 2 mile radius, the circle will appear larger on your screen and will probably include a larger list of names and addresses.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Davis et al. Patent Number 6,269,361 (hereinafter Davis), further in view of the article titled, "Leading Loyalty Marketing Company Chooses WebTrends for Accurate, Real-Time Reporting," published in the Business Wire on November 3, 1999 on page 1 (hereinafter WebTrends article), *in view of Preston, in view of Dolinar, in view of Streit*, and further in view of Official Notice.

In reference to claim 8, Boyd does not teach a method of processing information by computer over the Internet comprising steps of: storing collected data including running totals of performance data, which data includes the price paid by an advertiser for an ad impression. Davis teaches a method of processing information by computer over the Internet comprising steps of storing collected data including running totals of performance data, which data includes the price paid by an advertiser for an ad impression (abstract, col. 3 lines 25-28, col. 4 lines 6-10, col. 19 lines 38-58, col. 20 lines 66 to col. 21 lines 65, and Figure 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store collected data including running totals of performance data, which data includes the price paid by an advertiser for an ad impression to help an advertiser manage his budget for ad postings.

Boyd also does not teach, separating said collected data in real time into two data subsets, a per-advertiser data subset, and a per-site data subset. Official Notice is taken that it is well known to separate collect data in two subsets such as per-advertiser and per-site data and to view this data separately on web pages in real time with the use of applets to enable the quick retrieval and display of information for the advertiser and the site manager, since they both may desire to view some different and some overlapping data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step for separating the data into two subsets and to view this data separately on web pages in real time with the use of applets to help the two interested parties access the data quickly and to enable the two parties to gain access to slightly different data. For example, a website administrator for GEindustrial.com may want to know how many new users signed up on the site and the number of hits received by a banner ad posted on the webpage. On the other hand, the advertiser, in this case a product group owner in GE, may want to know how many hits his banner ad received, which customer segment accessed the advertisement most frequently, how long did the user stay on the site, and how many hits turned into leads as determined by the user filling out an request for information form. So, the two parties in this case may want to gain access to some different and some overlapping information about the users and may want to view this data graphically, and if that information is stored in two data sets, it can be accessed and displayed quickly in real time by using a software package such as WebTrends.

Boyd teaches transferring a data subset via a server, to a site-viewpoint program

or an advertiser-viewpoint program, which programs process a data subset to display, on a web page as graphs according to geographical locations of Internet visitors on a computer screen (col. 5 lines 11-25 and Figures 4 and 5). While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5), Boyd does not specifically teach displaying the data in real time. The WebTrends article teaches displaying data in real time (page 1 paragraphs 1, 2, and 4 and page 2 paragraphs 6, 7, 9, and 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to displaying the data in real time to enable advertisers to make adjustments to their advertising campaigns based upon the success rate of their advertisements.

Boyd also does not teach displaying on the computer screen, a price histogram of the number of ads served during a selected time interval, at a given price. Official Notice is taken that it is well known to plot a histogram using software such as Microsoft Excel to analyze financial results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to display a price histogram of the number of ads served during a selected time interval, at a given price to enable the advertiser to manage their advertisement inventory at a given time based upon the impact of price in that time frame so that the advertiser can figure out when to post advertisements to minimize his expenditure.

*Furthermore, Boyd does not teach plotting in real-time on a map indicia of each visitor's location wherein the location represents latitude/longitude coordinates associated with the visitor's IP address. Preston teaches associating latitude/longitude*

*coordinates with a visitor's IP address by converting latitude and longitude coordinates to form a geoIP address and storing this information (col. 8 lines 54-59 and col. 9 lines 34 to col. 12 lines 57). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include associating latitude/longitude coordinates with a visitor's IP address by converting latitude and longitude coordinates to form a geoIP address and storing this information to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. Dolinar teaches plotting latitude/longitude information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the latitude/longitude on a map and to display it on the web to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so*

*that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.*

*11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Davis, in view of WebTrends, in view of Preston, in view of Dolinar, in view of Streit, and further in view of Official Notice.*

In reference to claim 10, Boyd does not teach the system wherein a visual characteristic of an indicium is changed in proportion to the number of Internet visitors from the same geographical location. Dolinar teaches plotting *latitude/longitude* information on a map (page 1 lines 1-5 and page 2 lines 25-29). It is inherent in Dolinar that a visual characteristic of an indicium (i.e. a dot on the map in this case) is changed in proportion to the number of Internet visitors, since an additional dot will be plotted for each additional visitor where the dots can overlap if the visitors are from the same geographical location. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to change characteristic of an indicium in proportion to the number of Internet visitors from the same geographical location to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels



and these people may be indicated by overlapping dots on the map to show that they live very close to each other (i.e. in a 1 mile radius).

12. In reference to claim 11, Boyd does not teach the system wherein, said indicium is a spot on the map that varies in at least one of color, size and intensity. Dolinar teaches plotting *latitude/longitude* information on a map (page 1 lines 1-5 and page 2 lines 25-29) and drawing a circle on the map (i.e. a spot on the map) to show a 1-mile radius (page 2 lines 30-33). It is inherent in Dolinar that a circle drawn to indicate a 1-mile radius would be smaller than a circle drawn to indicate a 2-mile radius. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to use an indicium of variable size to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels, and if you draw a 2 mile radius, the circle will appear larger on your screen and will probably include a larger list of names and addresses.

13. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of *Preston*, *in view of* Dolinar and further in view of Streit.

In reference to claim 13, Boyd teaches for use on an Internet private web page accessible to a user, a method comprising steps of: receiving over the Internet user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet Web page visitors, said ads having been placed in accordance with an ad campaign strategy of an advertiser (col. 5 lines 11-34, col. 6 lines 47-65, and col. 7 lines 9-23); said user-specific data consisting of ad impressions, IP addresses of visitors (col. 6 lines 35-36), and geographical data including locations of IP addresses of said visitors (col. 5 lines 11-17, col. 6 lines 47-65, col. 7 lines 9-23, and Figures 4 and 5).

*Boyd does not teach user-specific data including geographic locations comprising latitude/longitude coordinates associated with IP addresses of said visitors. Preston teaches associating latitude/longitude coordinate data with IP addresses (col. 9 lines 34 to col. 12 lines 57). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include user-specific data including geographic locations comprising latitude/longitude coordinates associated with IP addresses of said visitors to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities.*

While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5 on a private webpage (since the reports that are developed for a company to show statistical information regarding its website visitors can be made in HTML format, and are developed for that company for use in its analysis, since they are not posted publicly to those outside that company)), Boyd does

not teach plotting indicia representing ad impressions for a site included in said user-specific data on a map on a said private web page in real time. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on a private webpage to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving) (abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the

precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

14. In reference to claim 16, Boyd teaches a method comprising the steps of: receiving over the Internet enhanced data related to visitors of Internet web sites upon which ads have been placed on a public web page accessible to Internet visitors, said ads having been placed in accordance with an ad campaign strategy of an advertiser (col. 5 lines 11-34, col. 6 lines 47-65, and col. 7 lines 9-23); said enhanced data consisting of ad impressions, IP addresses of visitors (col. 6 lines 35-36), and geographical data (col. 5 lines 11-17, col. 6 lines 47-65, col. 7 lines 9-23, and Figures 4 and 5); separating said enhanced data into user specific data (i.e. separating the data into different reports) (col. 5 lines 11-25); and, transferring said user-specific data and a user-viewpoint program to a private web page accessible to said user (col. 5 lines 11-25).

*Boyd does not teach the geographical data to include latitude/longitude coordinates associated with IP addresses. Preston teaches the geographical data to include latitude/longitude coordinates associated with IP addresses (col. 9 lines 34 to col. 12 lines 57). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include the geographical data including latitude/longitude coordinates associated with IP addresses to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities.*

While Boyd teaches to display data and graphs on the web in HTML format (col. 5 lines 11-25 and Figures 4 and 5 on a private webpage (since the reports that are developed for a company to show statistical information regarding its website visitors can be made in HTML format, and are developed for that company for use in its analysis, since they are not posted publicly to those outside that company)), Boyd does not teach said user-viewpoint program plotting in real time indicia representing ad impressions for a site included in said user-specific data on a map on said private web page. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29) viewable on a webpage. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on a private webpage to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels.

Boyd also does not teach the display of the plotted information on a map in real-time. Streit teaches the display of the plotted information on a map in real-time (i.e. real time location and navigation information is displayed to assist the user while driving)

(abstract, col. 1 lines 28-33, 40-42, and 61-63, col. 2 lines 9-12, 27-30, and 33-37, col. 8 lines 46-50 and 62-67, col. 4 lines 44-52, col. 7 lines 60-65, and Figures 8-10). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to display it on the web in real-time to enable the advertisers to determine the precise locations so that business opportunities can be presented to the users instantly to maximize the relevancy of the opportunities.

15. In reference to claims 14 and 17, Boyd does not teach the system wherein a visual characteristic of an indicium is changed in proportion to the number of Internet visitors from the same geographical location. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29). It is inherent in Dolinar that a visual characteristic of an indicium (i.e. a dot on the map in this case) is changed in proportion to the number of Internet visitors, since an additional dot will be plotted for each additional visitor where the dots can overlap if the visitors are from the same geographical location. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to change characteristic of an indicium in proportion to the number of Internet visitors from the same geographical location to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli,

you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels and these people may be indicated by overlapping dots on the map to show that they live very close to each other (i.e. in a 1 mile radius).

16. In reference to claims 15 and 18, Boyd does not teach the system wherein, said indicium is a spot on the map that varies in at least one of color, size and intensity. Dolinar teaches translating address information into coordinates of latitude and longitude and plotting this information on a map (page 1 lines 1-5 and page 2 lines 25-29) and drawing a circle on the map (i.e. a spot on the map) to show a 1-mile radius (page 2 lines 30-33). It is inherent in Dolinar that a circle drawn to indicate a 1-mile radius would be smaller than a circle drawn to indicate a 2-mile radius. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to plot the geographical information of a visitor's geographical location on a map and to use an indicium of variable size to enable the advertisers to determine the precise locations and to establish trends among location data that can be leveraged in business opportunities. For example, if you have opened up a deli and want to send out a flyer to people living within a 1 mile radius of the deli, you can plot the longitude and latitude coordinates of the deli on a map, and draw a 1 mile circle around it, and then the graphic information system will provide will give you the list of names and addresses within that circle that can be turned into mailing labels, and if you draw a 2 mile radius, the circle will appear larger on your screen and will probably include a larger list of

names and addresses.

17. In reference to claim 19, Boyd teaches the method wherein said user-specific data are one of a site-specific data or an advertiser-specific data (col. 5 lines 11-17).

18. In reference to claim 20, Boyd teaches the method wherein said user-viewpoint program is one of a site-viewpoint program or an advertiser-viewpoint program (i.e. enables the viewing of user specific data in HTML format) (col. 5 lines 11-25).

**Response to Arguments**

19. Applicant's remarks/arguments filed on 02/27/2009 have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have been entered and considered.

20. Applicant's amendment has caused the introduction of a 35 USC § 112 second paragraph rejection.

21. With respect to the Applicant's arguments that the Official Notice taken by the Examiner for claim 8, the Examiner would like to point out to the Applicant has not presented arguments that the features are not well known. The Examiner had previously indicated to the Applicant that he needs to specifically rebut the well known statement on the record to constitute a proper challenge. The Applicant's only argument has been, that "the Office Action cites no prior art reference that teaches or suggests at least this feature." This does not constitute a proper challenge to the Official Notice. Per the Applicant's citing of MPEP 2144.03, "A seasonable challenge constitutes a demand for evidence be made as soon as practicable during prosecution. Thus the applicant is charged with rebutting the well known statement in the next reply



after the Office Action in which the well known statement was made.” The Applicant has not submitted any rebuttal of the well known statements, but has merely requested references disclosing the well known limitations. In the paragraph in MPEP 2144.03 immediately preceding the above citing, reference is made to *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970) that “Furthermore, the applicant must be given the opportunity to challenge the correctness of such assertions and allegations.” Again, the Applicant has not challenged the correctness of the assertions but rather only the use of Official Notice itself. Bald statements such as “the Office Action cites no prior art reference that teaches or suggests at least this feature”, are not adequate and do not shift the burden to the examiner to provide evidence in support of the Official Notice. Allowing such statements to challenge Official Notice would effectively destroy any incentive on part of the Examiner to use it in the process of establishing a rejection of notoriously well known facts (*In re Boon*, 169 USP 231 (CCPA 1971)). Even if the Applicant is not familiar with GE Consumer and Industrial, this was just used as an example to support the Official Notice that is well known to separate data in sub sets where some of the data will overlap. Another example of this is a payroll system in a company where a leave clerk may have access to the employee’s leave information and an human resource manager may have access to salary data for that same employee where both of them had overlapping access to data regarding the person’s name, identification number, etc. This is done to restrict access of certain personnel from certain data. Therefore, the Official Notice is maintained.

22. Applicant’s additional remarks are addressed to new limitations in the claims and

have been addressed in the rejection necessitated by the amendments.

**Conclusion**

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Examiner, Art Unit 3622